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## Congress of the United States House of Representatives

December 17, 2007

The Honorable Michael B. Mukasey  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

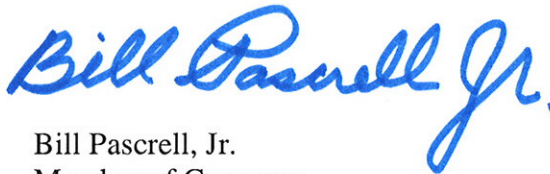
Dear Attorney General Mukasey:

I am writing to you today to inform you that I have submitted the following *Statement of Principles on Deferred Prosecution Agreements* to the House Judiciary Committee. As you may know, my attention to this issue was brought by the actions of U.S. Attorney Christopher Christie in which he selected his past superior, former Attorney General John Ashcroft, to serve as a federal monitor and collect fees reported to be in excess of \$52 million. However, as my office began to research the issue of deferred prosecution agreements it became clear to me that this matter of concern goes far beyond the selection of federal monitors and the exorbitant fees they may charge. This is only the next step in a process that I hope will lead to the Congressional action necessary to provide real oversight and transparency of deferred prosecution agreements.

In recent years deferred prosecution agreements have been used often as a tool by federal prosecutors seeking to punish corporate offenders. Clearly, these agreements serve a necessary purpose of keeping intact large corporations while making them abide by stringent reforms. However, federal prosecutors have also maintained a cloak of secrecy regarding deferred prosecution agreements and I hope you will agree that the carriage of justice requires that it be shone to the light of public scrutiny. As a former judge yourself, I would think you would be critical of the fact that deferred prosecution agreements allow both corporate defendants and federal prosecutors to avoid judicial examination entirely. The legislative principles I have laid out seek to restore the balance of justice that governs other criminal cases.

It is my hope that you will choose to work with Members of Congress as we seek to reform the practice of deferred prosecution agreements instead of maintaining the state of concealment that has existed around these agreements. A number of the principles I have laid out, especially the formulation of specific guidelines on deferred prosecution agreements, could be carried out by the Department of Justice without any Congressional action. I look forward to hearing your thoughts and policy on this critical issue.

Sincerely,

A handwritten signature in blue ink that reads "Bill Pascrell Jr." with a stylized, cursive script.

Bill Pascrell, Jr.  
Member of Congress